MADAME JUMEL'S ESTATE.

OPENING STATEMENT OF CHARLES O'CONER.

Testimony of Mr. Nelson Chase, the Plaintiff. and the Rev. J. Howard Smith, the Defendant.

Supreme Court Circuit.
Before Hon. Joseph F. Barnard.
12.—Nelson Chase and Others w. J. Howard Sm. The trial of this important and interesting which has attracted much attention in legal and on of dollars, and took the form of a bill in ent. This document was executed in April, under it her whole estate, subject to some clause, to certain religious and charitable. The claim on the part of the plaintiffs was Institutions. The claim on the part of the plaintiffs was hat the document was obtained under undue influence and hills the testatrix had no mental competency to make a way. The facts of the case are set out briefly and clearly in the opening statement of Mr. O'Conor, elaborated in the testingney. Practically, there was no contest on the part of the defence, as an amicable arrangement had been made before coming into court, proceedings were, therefore, rather formal than

Twelve jurors having answered to their names and their seats in the jury box, ex-Judge Pierrepont, unsel for the plaintiffs, stated that, without taking me to examine them separately, he would put the eral question as to whether any of them were inter-d in the estate of Madame Jumel, or in the charitable to which some bequests were made, so as to

One of the jurors (Mr. Hinds) approached the Judged attacked that he had made up his mind as to the messal the case. Mr. Hinds was allowed to leave the box and Morange was called in his place.

of the case. Mr. Hinds was allowed to leave the bex and dr. Morango was called in his place.
The jury was, without further question, constitut as place; bollows:—Sigourney W. Fay, merchant, 48 Part street; both Reilly, liquor dealer, 116 East Twenty cond street; both Reilly, liquor dealer, 116 East Twenty; Hyman Mocavis Frank, shirts, 85 Chambers and Bowery; Benjards, Rogers, cooper, 21 Suffolk street. C. Rogers, cooper, 21 Suffick street and No. 6 South broker, 217 West Thirty-third freet and No. 6 South William street; Albert To-due, dry goods, 106 West Ewelfth street and 120 Axth avenue; Thomas James, 130 Bower and 14 Bank street; Joseph R. Goodsil, coals, South Street; Agron P. Wilcox, merchant, and Coals, South Street; Maron P. Wilcox, merchant, and Coals, South Street; Methan Republic tors, 344 Sixth met: and Michael Reynolds, toys, 344 Sixth

apose of setting aside a paper which has been the last will and testament of Eliza B. Jumel, forof this city, who died in 1865—pretty well known public, and perhaps better known by the name of adame Jumel, as she was the wife of a French gentieman, than by her Christian name. She was a lady of
rery large wealth, and resided in the upper part of our
sland for a very long term of years. The paper in question was executed in April, 1863. At the time of its
accution she was from eighty-seven to minety years of
yeo-probably between eighty-seven and eighty-eight.
der age as her death was about ninety. This paper, propounded as a will, is claimed to be void on account of
assanty or incapacity on the part of this lady to execute
any such paper; and, in order that you may have
before you a view of the testimony which is about
to be presented, for the purpose of enabling you to
some to a proper conclusion, it is necessary that I
abould give you some narrative concerning her. She
was in her origin, quite humble. She was the daughter
of her husband, John Bowen, who was, I believe,
nothing more than a common sailor, although he may,
possibly, have held some higher post in the merchant
service. She was the daughter of John Bowen and of
Phobe, his wife, and was born in Rhode Island. She
had a brother and a sister. The brother died very early,
and we have no account of him. The sister came to the
hily of New York about the time that she did, at the
eighning of this century, and here each of them maried, about the year 1804. She, Mrs. Jumel, married
stophen Jamel, a wealthy French merchant, then in
prosperous business in this city. Her sister married Mr.
William Jones, a gentleman in moderate circumstances,
and who never was in any other, at least in any
ubsequent period. Mrs. Jones had four children,
rios survived her, and who are living, and who are
bour of the plaintins in this action. She had
another child, who died early, and it is not
necessary to take any notice of that person.
Humble weather was the survived her and who are
bour of the plaintins in this cattor. She had
another child, who died early, and we have relieved
with any posterity. At a very early period of her union
with Mr. Jumel (we know no tot exactly legally akin to anybody; but she was wought up and Mr. Jumel. The was wear wought up and Mr. Jumel. The was subpeted by Mrs. Junnel and ar. Junnel. This young lady was becomen to grand the clusted in the Children to the State of New York, and interer; taken back to the State of New York, and interer; taken back to the State of New York, and interer; taken back to the State of New York, and intered to and united in wedleck with Mr. Nelson Chase, who the other distribution of those parents who had adopted the convention of the con

Doing it once was not enough, but he had to de it again and again. She considered that all the people about her were engaged in attempting to dearly had always without the slightest reasons tradees and respect; and the absence of reason in regard to, it was shown in this, that although she would turn these persons out of her house she was always glad to see them come from the property of the pro

them—not all.

Q. Do you know anything of her furnishing any meyorandum? A. Yes, sir.

Q. Have you the memorandum which she furnished;
A. I have one which I suppose is the one she furnished;
I did not see it furnished, but I found it satached to a
draft of the will.

Q. And you suppose that is the one she furnished?

A. Yes, sir.

Q. You found it among she papers of Judge Inglis?

A. Yes, sir.

A. Yes, sir.

Q. You found it among the papers of Judge Inglis?

A. Yes, sir.

Q. And how it got there you do not know? A. I know that she did fornish a memorandum, and I suppose that this is the one.

Q. Is this thanding witness a paper; a draft of the will? A. Yes, sir, that is the draft of the well; it is in the handwriting of Judge Inglis.

Q. Is it completed in such a way as to constitute a copy by having the signatures to it? A. It is, it contains the dates and all the signatures of the party and witnesses.

Q. Then it appears to be a draft of the will, which, after the will was executed was turned into a copy for preservation? A. Yes, sir.

Q. Do you recollect Madame Jumel's executing the original will? A. I think I do, although my recollection of it is indistinct; my name appears on the draft as one of the witnesses; I have no doubt she did execute it.

Q. Do you recollect the circumstance of seeing her with Judge Inglis? A. Yes, sir.

Q. Talking about her will? A. Yes, sir.

Q. Talking about her will? A. Yes, sir.

Q. Talking about her will? A. Yes, sir.

He draft of the will was here put in evidence, as was also the memorandum? A. I remember she furnished a memorandum? A. I remember she furnished a memorandum? A. I remember she furnished a memorandum; also were not of the office for the purpose of getting the names of some of her family.

The draft of the will was here put in evidence, as was also the memorandum attached. This witness was not cross-examined.

Paul F. Fuller, a cierk in the law office of Messrs. Couder, verified translations of letters written in French by Madame Jumel during the years 1854 and 1855, some of them being to the parents of Mr. Perry, who married her niece.

Nelsog Chase, one of the plainting in the case, was

them being to the parents of Mr. Perry, who married her niece.

TESTINOSY OF NEEDON CRASE.

Nelson Chase, one of the plaintiffs in the case, was then sworn, and examined by Mr. O'Conor, as follows:—

Q. Are you one of the plaintiffs in this action? A. I am.

Q. Were you acquainted with Madame Jumel, formerly of the city of New York? A. I was for many years.

Q. How did you become acquainted with her? A. I became acquainted with her by meeting her in the country of these on the summer of 1831, and subsequently by marrying Maria Jumel Bowen, her adopted daughter; from that period or shortly afterwards. I became a member of her family, and resided with her, and in her family, with some intervals for three or four years.

Q. When did she that

years.
Q. When did she die? A. On the 16th of July, 1865.
Q. Did you know Mr. Junet in his lifetime? A. I did.
Q. About what time did be die? A. He died in May, 1832.

Q. About what time did be die? A. He died in May, 1832
Q. Are you acquainted with the property mentioned in the compaint in this case? A. I am periectly familiar with every parcet of it.
Q. Who had the possession of that property and the rents and profits thereon at the time of Madame Jumel's death. A. She did.
Q. Now, as to the property situated in New York, had that been purchased by her, or was it the property of Mr. Jumel? A. All gexcept two houses; one on Sevenih avenue, at the corner of Forty-first street, and the other the next house to the corner where Mr. Jumel's property is; that sevenih avenue property was purchased by Madame Jumel, or rather for her.
Q. Is Maria Jumel Bowen, your wife, living? A. No, sir, she is dead many years.
Q. When illd she die? A. She died on the 5th of May, 1843.
Q. Did you state in what year you married her? A. In

Q. Did you state in what year you married her? A. In January, 1832.
Q. Were there any children of that marriage? A. There are two still living, and two died in infancy.
Q. What are the names of those who survived her and are living? A. Eliza J. Perry, my daugater, and Wm. Inglis Chase, my son.
Q. About what time was Mrs. Perry boru? A. I taink in 1855.

Q. Who was the commander? A. They had.
Q. Who was the commander? A. My own son William.
Q. How old was he then? A. Fourteen years past.
Q. Had he a uniform? A. Yea.
Q. Did he wear at? A. He did.
Q. Did you wear it? A. No, I never put it on.
Q. As to the guards at night, please explain how that was. A. A guard was set and a countersign agreed upon and given; guns were fired and guards were relieved from time to time, and this was kept up the whole night; there used to be alarms given in the night, and the whole garrison was roused, and there was a pretty general disturbance of all rest.
Q. I will pass over occurrences from that itime atong until another period. When was this old lady last a Saratoga Springs? A. In the summer of 1859.
Q. Did anything remarkable happen to her while she was there? A. We were sitting at the dinner table one day; I was sitting opposite her, when I noticed a kind of shock that had apparently struck her; I spoke at once and said; "What is the matter, madame?" She put her hand up to her head, and said, "I had a flush;" I thought at the time that it was o marked that it was incipient apoplexy; although the thing passed off momentarily, she complained immediarly afterwards of objects being before her vision, and she seemed to suffer pain in her head after that shock that continued until we started to go home, which we did by the way of Schencciady, in the railroad cars; while we were in the cars, there was a party there we had apparently been visions at the Springs, and who made were mercy, lauching and talking: I sat with my face.

Yes; before he would leave the house, after treating him very kindly, she would recur to the charge, and mains upon it that he intended to kill her.

Q. After 1859 how long did she continue to persist in that charge? A. Down to the day of her death.
Q. And yet every now and then she received kindly a "sig from him? A. Yes, siz.

Q. Yow, as to any other lides that she had about people intended to polison bey; that they had put poison in her ton, and she would not exist it; I used to get my breakfast very early, and she would reserve her tes and would not touch it at all until I set hack, under the deathat it had been poisoned, and I had non my return to buy and coavince her to tage the tes ans strink it myself in her presence; I set without prime; she shae, charged main and the had had not my return to buy and coavince her to tage the tes ans strink it myself in her presence; I set without prime; she shae, charged main and the do have medicine, set used to be ill at times, and the do have medicine, set used to be ill at times, and the do have medicine, set used to be ill at times, from her own hands.

Q. For what purpose? A. To try and convince her that she was in error in her charge as to any attempt to poison her.

Q. Now, as to the appearance of the piece of furniture you spoke of, was there anything dout it to indicate that any part of it had been to seemed as to led it fall? A. Not the slightest.

Q. Was she able to point out anything of the kind?

A. Nothing at all.

Q. Did her inability to point out anything convince her that she was wrong? A. No, sir; she persisted in her charge that my son had done so.

Q. Was there any color or sort of evidence of such a thing having been done? A. Not the slightest possibility or evidence of such a thing.

Q. Did her inability to point out anything of the kind?

A. Nothing at all.

Q. Did her inability to point out anything convince her that he was averaged to the set of the slightest possibility or evidence of such a thing.

Q. How was the gown had done so.

Q. Was th

Continue as follows:

Q. You are a counsellor-at-law, and have been long practising in this city, have you not? A. You.

Q. Did you know Mone, Jumel? A. I did.

Q. Did you at any time prepare a will for her? A. In the year 46 she called upon me for the purpose of having a will drawn up, which I did.

Q. Have you got your draft of that will? A. I have.

Q. Was it made and written at her instructions? A. It was.

Dr. Alonzo Clark was examined.

Dr. Alonzo Clark was examined by Mr. O'Co. testified as follows:—
Q. Did you, as consulting physician, visit Mada mel in company with Dr. Crane? A. Yes.
Q. Well fruit A. March 20, 1863.
Q. Will you be good enough to state your observations of her mind? A. Hen.

She had awathed hemel' so much in clothing to keep her warm, and still complained of feeling chility; otherwise there had been a very large quantity of what was stated to us was a secretion of the kidnery, which had been a research of the kidnery, which had also good deal of gastric disturbance, and then at the action of deal of gastric disturbance, and then at the action also was very much disposed to talk, and talked a good deal at random; her sickness at that time, her disease, seemed to be mainly in the kidneys and atomich, to-gother with disordered actions of the mind.

Q. State what these disordered actions of the mind were? A. They seemed to be hallucinations.

Q. Referring to all subjects? A. A variety of subjects; I beard her speak of her antility to cure almost all all minents; I don't know but all of them by her two crinicipal remedies, the "levying got of hands" and concerning that he should attach something important to me in the way of associations, in order that she would be mecessary that he should attach something important to me in the way of associations, in order that she would be willing to admit me as a physician, and he would be willing to admit me as a physician, and he would be willing to admit me as a physician, and he would be made to be a subject of the mind of the men and we man out was the head through there are physician from him the she had brought her physician from him the she had been perhaps a littre too familiar, and how she had had the door fixed so that a man and woman could walk through without bunching each other.

Q. Do you remember any other of her extravagant stories? A. I don't think I can state definitely any other thing; I can state my general impression.

Q. What was your governal impression as to the condition of her mind? A. That she wasperpetually under the influence of hallucentations, illusions; that her reasoning was good enough upon her premises, but that her promises were fallactions.

Q. Did you regard her from the will be a subject of the she was a subje

have.
Q. Have you been able to find them? A. I.
The witness was not opose-examined.
Mrs. Elias J. Perry was examined by Mr. Olentified as follows:
Q. Whose wife are you? A. The wife

orry.
Q. Did you know Madame Jumel? A. I did.
Q. In what relation did you stand to her? A. I stod as a niceo, an adopted daughter.
Q. A grand niceo? A. Yes.
Q. Who was your mother? A. Mary Elizabeth Barne
Q. Did you live with Madame Jumel? A. I was bot ther residence and lived there until my marriage.
Q. What relations existed between you and Madam umel as to friendaulp? A. The relations of a mothe a daughter. Q. Were they kindly? A. Very kindly indeed. Q. I would call your attention particularly to the cases that she was at Saratoga; do you remember

Q. What time was that? A During the summer of 1859.
Q. Subsequently to that will you state whether any change took place in the old lady's regard for yourself?
A. After my return from Paris in '84 I began to notice a great change in her mental capacity; she began to say that too much money had been spent, and that we were not so kind to her as we might have been.
Q. Were you in this country at the time of the legion?
A. I was not; I was in France.
Q. Pass over that period until the time she returned from her last visit to Faratora Springs, and I will ask you what was her condition then as to mind—what manifestations were there? A. She gave manifestations of cratiness; she accused us all of poisoning her; she said my father put the bed-bug poison in her leas—(laughteri—and put tacks in her shoes when she got out of bed, so that it would kill her.
Q. What of yourself? A. She accused me of trying to poson her; she said I carried arsenic in my pocket to sprinkle in her tea and over her beefsteak; atterwards she would turn round and kiss me very affectionately, and say, "How much I love you!"
Q. Did you notice any charges that she made against your brother? A. I did.
Q. Had these charges any color of truth? A. They were perfectly groundless.
Q. After she made them did you continue to assist her? A. I did; mostly every day or every other day.
Q. How did she receive you? A. With the greatest affection, and always gave me money to pay my way up and down.

Q. Look at the letter dated Paris, May 22, 1854, any whether you saw that in France before your nriage? A. (Examining it), yes; it was directed to father.

C. Those letters were received by ye the marriage treaty was going on? A. The witness was not cross-examined.

TERTIMONY OF WILLIAM J. CRAIWilliam J. Chase was examined by Mr. satisfied as follows: Q. Did you live with her for any considerable t

aying I intended to kill her.

Q. According to your best judgment from the opportunities you had of judging her, what was the condition of the old lady's mind in 1822 and 1863—the whole of the latter year? A. I thought that she was entirely out of her mind.

The witness was not cross-examined.

The witness was not cross-examined.

The witness was not cross-examined.

The witness was samined by Ms. O'Conor and testified as follows:—

Q. Did you know Madame Jume!? A. Yes.

Q. Did you know Madame Jume!? A. Yes.

Q. Did you know Madame Jume!? A. Yes.

Q. In what year? A. I went there in 1857.

Q. And remained there how long? A. Three years.

Q. Did she at any time make any charge against you of attempting to fill her? A. Yes, in 1859.

Q. What was the charge? A. O'f fixing a big bureau or wardrobe; she said we took a persw off and took the top off to make it fail on her and kill her.

Q. Did she show you the wardrobe? A. She did.

Q. Did she point cut what you did? A. No; she could not; there was nothing done. (Laughter.)

Q. Did she persist in that charge? A. She did.

Q. Was there any truth at all lis it as far as you are concerned? A. No.

Q. About the same period do you know anything of digging for gold on the premises? A. I do.

Q. Who did it? A. Me.

Q. Who did it? A. Me.

The witness was not cross-examined.

TESTINOSY OF MER. MIRE J. TRANCKELL.

Mrs. Eliga J. Tranchell was examined by Mr. O'Conor, and testified as follows:

Q. Did you find any gold? A. No.

The witness was not cross-examined.

TESTINOSY OF MER. MIRE J. TRANCKELL.

Mrs. Eliga J. Tranchell was examined by Mr. O'Conor, and testified as follows:

Q. Did you find any gold? A. No.

Q. Who were your father and mother? A. William and Mariah Jones.

Q. Who were your father and mother? A. She was my sam;

Q. How carly in your hife did you know Madame Jume!? A. I have the far and the provided of the time I was five years of age.

Q. When were you born? A. In 1809.

Q. When did your mother die? A. In 1860, I believe.

Q. Who did not have visited her mys

Q. What was the name of your oldest brother? A. Wm. P. Jones.
Q. Was be ever sout anywhere by Madame Jume!?
A. He was sent to Parts for his education.
Q. How long did he remain there? A. About three years.
Q. When did he go? A. About the time we went to Conjection.
Q. Had you say intercourse with Madame Jamel after her return from France the lan time, is 1856? A. No. Q. You didn't see her after that? A. No.

Eliza Maddocks, myself and Stephen Jones—two
ors, one sister and myself.
Q. Is that all? A. Mrs. Chase was my sister;
dead.
Q. Was she a daughter of your father, Mr. Jo
far as you ever understood in the family? A. NoQ. Did you ever know of; your mether being m
except to Mr. Jones, or ever hear of it? A. I
thought so.
Q. Did you understand of her marriage to the
of Mrs. Chase? A. I did not hear the particulars.
Q. You don't know of any other marriage? A.
This witness was not cross-examined.
TESTIMORY OF STRPIES J. JONES.*
Stephen J. Jones was examined by Mr. O'Cono
testified as follows:—
Q. Are you a brother of the witness who we

testified as follows.—
Q. Are you a brother of the witness who was last examined? A. Yes.
Q. Look on the paper which I think was marked No. 2, being the memorandum which Mr. Wallgrove produced, annexed to Mr. Inglis will. [Witness examined it.]
Q. You have looked at it? A. You,
Q. In whose handwriting is that? A. It looks like the handwriting of Mr. Maddocks.
Q. Who is Mr. Maddocks? A. My brother-in-law.
Q. The husband of Mrs. Maddocks that has been spoken of r. A. You.

Q. When did he die; about how long ago! A. About 1856! think.

The counsel for plaintiff, Mr. O'Connor, here stated that this memorandum was found among Mr. Ingits' papers, annexed to the draft of this will, which the witness stated he knew. A memorandum was brought and delivered by the lady to Judge legis, and it is found among Judge Ingits' papers. This witness testified it was in the handwriting of a deceased person.

This memorandum was here read containing the names of Wm. B. Jones, Sarah Jones and the children, James and Charles Jones, and Stephen J. Jones, also Henry Tranchell, Eliza Maddocks and the two children, Emity Maddocks and George sladdocks.

Q. Look at that again and tell me if that is a correct description of the Jones family as it existed in 1851? A. [Witness re-examined it.] Yes; that is correct.

Q. As it existed in 1851? A. Yes.

The witness was not cross-examined.

Nelson Chase recalled and examination resumed:—

Q. Will you look at the premises in that d.ed, is deed dated Newmber I. 1828 and tell us what they sre? You have seen the deed very often, and, I suppose, can tell us at once whether the premises contained in it, is not the whole real estate of Mr. Jume!? A. This deed contains a description of all the property owned by Mr. Jume! which is described in the complaint and some additional property that has been sold; a forty acre lot on the North river keet by Mr. Augustus Smith and Mr. Marties.

that.

Q. Where did you see her and talk about two wills?

A. I saw her always at her own house, but she said she would put it off until some other time.

Q. How often did you go to her house? A. Three or four time.

Q. Did you draw up anything towards her will on each of these occasions? A. I am going further back; Madam Jumel, when she commenced talking about drawing wills, requested me to make a list of charitable institutions to whom she would give part of her property; I selected a number of these and told her these charities were charities I thought she ought to give to, and then she asked me what to do with the rest of her property; these occasions which were some twenty or thirty years ago; I wrete that par of she will, and put these charities in, and then I would talk to the old lady about her property; that was on the occasion of '39. at Saratogs, but I did not succeed in making any will; she could not bring her mind to the subject; subsequently she sant for me to some to her house; I recollect it was a stormy day; I went there and found her very sick; I sat down and said, "You possess to me to draw up your will?" she said, "You always meant to give me \$5,000; that was understood;" she answered, "Yes." and asked, "What will you do with the rest?" I then said, "You have given me here \$150,000. What will you do with the rest?" I then said, "You have given me here \$100,000. What will you do with the rest?" I can be subject; asked the property; I then got up and said she must make up her mind to make her will, and get somebody elect to draw it up; she said, "When I get better I will come to your office;" I said, "Yery well;" the next day she ent for me again, and I refused to come; somebody left word at the office, and I said there was no use in going, that she would never make a will; but I did go after a great deal of urging, and took this same paper and read it over to her, and began to talk to her on the subject of the property; but I could bring her on the subject of the property; but I could bring h

goodby.

Q. You don't know what became of that paper? A., No.

Q. She did not sign it or execute it? A. No.

Q. She did not sign it or execute it? A. No.

Q. During that year, 1863, and for two or three years before, at all events, you saw a great deal of this woman and knew her very well, and I will ask you now whether, in your judgment, she was of same mind? A. I had very judgment, she was of same mind? A. I had very judgment, she was never able to transact business for the last three, four or five years; I would not consider her competent to make the paper which I had drawn.

Q. Why did you draw the paper witcher a change to sign it? A. Because she was singularly situated, one it was very necessary that the harmony should be kept up; I was to go between all parties, a friend of all up; I was to go between all parties, if her family troubles she would tak to me and I would dismade her, she might have gone to some other lawyer and had the paper drawn up; I wanted to see pher control over it.

Q. You let her draw up a paper under your direction, for fear she would do something worse? A. Yes.

Q. You did not think she was capable of executing c will any way? A. No, tut since 1857.

Q. What was the general curport of her conversations